

House File 324 - Introduced

HOUSE FILE _____
BY T. TAYLOR

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for fair share agreements relating to collective
2 bargaining and providing an effective date.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1856YH 82
5 ec/je/5

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1 1 Section 1. Section 20.8, subsection 4, Code 2007, is
1 2 amended to read as follows:
1 3 4. Refuse to join or participate in the activities of
1 4 employee organizations, including the payment of any dues,
1 5 fees or assessments or service fees of any type, except as
1 6 provided in section 20.9.
1 7 Sec. 2. Section 20.9, Code 2007, is amended to read as
1 8 follows:
1 9 20.9 SCOPE OF NEGOTIATIONS.
1 10 1. The public employer and the employee organization shall
1 11 meet at reasonable times, including meetings reasonably in
1 12 advance of the public employer's budget-making process, to
1 13 negotiate in good faith with respect to wages, hours,
1 14 vacations, insurance, holidays, leaves of absence, shift
1 15 differentials, overtime compensation, supplemental pay,
1 16 seniority, transfer procedures, job classifications, health
1 17 and safety matters, evaluation procedures, procedures for
1 18 staff reduction, in-service training, fair share agreements,
1 19 and other matters mutually agreed upon. Negotiations shall
1 20 also include terms authorizing dues checkoff for members of
1 21 the employee organization, terms for payroll deduction of fair
1 22 share fees of nonmembers of the employee organization, and
1 23 grievance procedures for resolving any questions arising under
1 24 the agreement, which shall be embodied in a written agreement
1 25 and signed by the parties. If an agreement provides for dues
1 26 checkoff, a member's dues may be checked off only upon the
1 27 member's written request and the member may terminate the dues
1 28 checkoff at any time by giving thirty days' written notice.
1 29 Such obligation to negotiate in good faith does not compel
1 30 either party to agree to a proposal or make a concession.
1 31 2. a. Notwithstanding any provision of state law to the
1 32 contrary, a negotiated agreement for fair share fees shall not
1 33 provide for the termination of the employment of a public
1 34 employee for failure to pay membership dues and charges or
1 35 fair share fees of an employee organization, but shall provide
2 1 that, commencing on the effective date of a collective
2 2 bargaining agreement which provides for a fair share fee, the
2 3 public employer shall deduct once each month from the wages or
2 4 salaries of nonmembers of the certified employee organization
2 5 the amount of the fair share fee and transmit the amount
2 6 deducted to the certified employee organization within
2 7 fourteen days of the deduction.
2 8 b. Every negotiated agreement for fair share fees shall
2 9 conform with the requirements of the Constitution of the
2 10 United States and the Constitution of the State of Iowa, and
2 11 shall provide, if required, for the following:
2 12 (1) The certified employee organization may charge
2 13 nonmembers of the employee organization a fair share fee,
2 14 which shall not exceed the amount of dues and charges required
2 15 to be paid by a member in good standing of the employee
2 16 organization.
2 17 (2) The certified employee organization shall furnish
2 18 advance written notice of the amount of the fair share fee to
2 19 the nonmember employees who will be assessed the fee. The
2 20 notice shall inform the nonmember of a procedure by which the

2 21 nonmember may object to and receive a reduction of the pro
2 22 rata share of the fee attributed to purposes unrelated to
2 23 collective bargaining, contract administration, or the pursuit
2 24 of other matters affecting wages, hours, and other conditions
2 25 of employment. The notice also shall inform the nonmember of
2 26 a procedure by which the nonmember is afforded an opportunity
2 27 to challenge the amount of the fee before an impartial
2 28 decision maker. All fees reasonably in dispute during the
2 29 challenge period shall be held by the certified employee
2 30 organization in an interest-bearing escrow account until final
2 31 resolution is made by the impartial decision maker, at which
2 32 time such funds shall be disbursed in accordance with the
2 33 decision maker's award.

2 34 (3) The public employer shall provide the certified
2 35 employee organization with a list of the names and addresses
3 1 of all nonmember employees in the bargaining unit that is
3 2 represented by the employee organization.

3 3 3. Nothing in this section, section 20.8, or in the terms
3 4 of a fair share agreement shall be deemed to require a public
3 5 employee to become a member of an employee organization.

3 6 4. Nothing in this section shall diminish the authority
3 7 and power of the department of administrative services, board
3 8 of regents' merit system, Iowa public broadcasting board's
3 9 merit system, or any civil service commission established by
3 10 constitutional provision, statute, charter or special act to
3 11 recruit employees, prepare, conduct and grade examinations,
3 12 rate candidates in order of their relative scores for
3 13 certification for appointment or promotion or for other
3 14 matters of classification, reclassification or appeal rights
3 15 in the classified service of the public employer served.

3 16 5. All retirement systems shall be excluded from the scope
3 17 of negotiations.

3 18 Sec. 3. Section 731.3, Code 2007, is amended to read as
3 19 follows:

3 20 731.3 CONTRACTS TO EXCLUDE UNLAWFUL.

3 21 ~~It~~ Except as provided in sections 20.8, 20.9, and 731.4A,
3 22 it shall be unlawful for any person, firm, association,
3 23 corporation or labor organization to enter into any
3 24 understanding, contract, or agreement, whether written or
3 25 oral, to exclude from employment members of a labor union,
3 26 organization or association, or persons who do not belong to,
3 27 or who refuse to join, a labor union, organization or
3 28 association, or because of resignation or withdrawal
3 29 therefrom.

3 30 Sec. 4. Section 731.4, Code 2007, is amended to read as
3 31 follows:

3 32 731.4 UNION DUES AS PREREQUISITE TO EMPLOYMENT ==
3 33 PROHIBITED.

3 34 ~~It~~ Except as provided in sections 20.8, 20.9, and 731.4A,
3 35 it shall be unlawful for any person, firm, association, labor
4 1 organization or corporation, or political subdivision, either
4 2 directly or indirectly, or in any manner or by any means as a
4 3 prerequisite to or a condition of employment to require any
4 4 person to pay dues, charges, fees, contributions, fines or
4 5 assessments to any labor union, labor association or labor
4 6 organization.

4 7 Sec. 5. NEW SECTION. 731.4A FAIR SHARE FEE AGREEMENTS.

4 8 A labor union, labor association, labor organization, or
4 9 employee organization, which is the certified or recognized
4 10 exclusive representative for collective bargaining under
4 11 applicable federal or state law, may enter into an agreement
4 12 with the employer of the employees it is certified or
4 13 recognized to represent in collective bargaining that, as a
4 14 condition of continued employment, requires employees, after
4 15 thirty days of employment, either to become a member of the
4 16 certified or recognized labor union, labor association, labor
4 17 organization, or employee organization, or to pay a fair share
4 18 fee to the extent permitted by the Constitution of the United
4 19 States, the Constitution of the State of Iowa, and federal
4 20 law. Nothing in this section shall be deemed to require an
4 21 employee to become a member of a labor union, labor
4 22 association, labor organization, or employee organization.

4 23 Sec. 6. EFFECTIVE DATE. This Act, being deemed of
4 24 immediate importance, takes effect upon enactment.

4 25 EXPLANATION

4 26 This bill authorizes the negotiating of fair share
4 27 agreements in collective bargaining agreements.

4 28 Code chapter 20, concerning collective bargaining for
4 29 public employment, is amended to authorize fair share
4 30 agreements. Code section 20.9 is amended to provide that the
4 31 scope of negotiations for purposes of a collective bargaining

4 32 agreement includes negotiating fair share agreements and the
4 33 terms for payroll deductions of fair share fees for nonmembers
4 34 of an employee organization. The bill provides that a
4 35 negotiated fair share agreement shall provide that the public
5 1 employer deduct once each month from the wages of nonmembers
5 2 of an applicable employee organization the amount of the fair
5 3 share fee and transmit it to the certified employee
5 4 organization within 14 days of the deduction. The bill
5 5 further requires that the agreement for fair share fees
5 6 provide that the fair share fee shall not exceed the amount of
5 7 dues and charges required of a member of the employee
5 8 organization, that the certified employee organization provide
5 9 advance written notice of the fee and a procedure for
5 10 nonmembers to object to and receive a reduction of the share
5 11 of the fee unrelated to collective bargaining, contract
5 12 administration, and other related matters, that an impartial
5 13 procedure be provided for resolving fair share fee disputes,
5 14 and that the public employer furnish the employee organization
5 15 with a list of the names and addresses of all nonmembers. The
5 16 bill also provides that nothing in a fair share agreement
5 17 shall provide for the termination of employment for failure to
5 18 pay a fair share fee or shall require a public employee to
5 19 become a member of an employee organization.
5 20 Code chapter 731, concerning labor union membership, is
5 21 also amended to authorize fair share agreements. New Code
5 22 section 731.4A provides that a labor union may enter into an
5 23 agreement with an employer that, as a condition of continued
5 24 employment, requires employees whom the union is certified to
5 25 represent to become a member of the labor union or to pay a
5 26 fair share fee to the extent permitted by the United States
5 27 Constitution, the Iowa Constitution, and applicable federal
5 28 law. The new Code section provides that nothing in this Code
5 29 section shall be deemed to require an employee to become a
5 30 member of a labor union.
5 31 The bill takes effect upon enactment.
5 32 LSB 1856YH 82
5 33 ec:rj/je/5.1